Docket No. END-723

## licants

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Seth A. Forester et al.

Serial No.

09/776,125

Art Unit:

Filed

February 2, 2001

Examiner:

For

METHODS AND DEVICES FOR DEFINING AND MARKING TISSUE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231 on

March 5, 200	1
(Date of Depos	it)
Patricia A. Jara	
Name of person signing the	Certificate
Paris A	March 5, 2001
(Signature)	(Date of Signature)

**Assistant Commissioner for Patents** Washington, D.C. 20231

## INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information Disclosure Statement is [X]being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required. In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with [ ]the first or [ ] second After Final Submission, therefore: Statement in Accordance with §1.97(e) (attached); or [] Please charge Deposit Account No. 10-0750/BES/END-723 the fee of [] \$180.00 as set forth in \$1.17(p). In accordance with §1.97(c), this Information Disclosure Statement is being [] filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of: Statement in Accordance with §1.97(e) (attached); or [] Please charge Deposit Account No.10-0750/BES/END-723 the fee of [] §1.17(p). \$180.00 as set forth in In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p). Copies of each of the references listed on the attached Form PTO-1449 are [X] enclosed herewith.

	[]	Copies	of references listed on the attached Form PTO-1449 are enclosed
herewith EXCEPT THAT:			
		[]	In view of the voluminous nature of references [list as appropriate], and
			the likelihood that these references are available to the Examiner, copies
			are not enclosed herewith.
			Mo not one could not could not one could not could not one could not could not one could not could not one could n
		[]	If any of the foregoing publications are not available to the Examiner,
		Lj	Applicant will endeavor to supply copies at the Examiner's request.
			Applicant will endeavor to supply copies at the Examiner of equest.
	ועז	Thora	are no listed references which are not in the English language.
	[X]	There a	are no listen references which are not in the English language.
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as follo	ws:		·
		<b>A 1</b>	1
	[]	Attach	ed are copies of search report(s) from corresponding patent application(s).
		<b>. 1</b>	d CH to any multiplied and disconnection of the material and included
	[]		ed are the following non-published pending patent applications which
may be deemed relevant.			
Please charge any deficiency or credit any overpayment to Deposit Account No.			
10-0750/BES/END-723. One original and two (2) copies of this Information Disclosure			
Statement are enclosed.			
			Respectfully submitted,
			32 Shey
			Bernard E. Shay
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Date: March 5, 2001